



DPCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

51876P385

First Named Inventor: Yong Hoon LEE

Application No.: 10/650,152

Art Unit: 2611

Filed: August 27, 2003

Examiner: Lugo, David B

Title: METHOD FOR ADAPTIVELY ALLOCATING RESOURCES IN COMMUNICATION SYSTEM

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☐ Other than small entity - fee \$_____ (37 CFR 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of Supplemental Notice of Allowability (identify type of reply:

is enclosed herewith.

B. The issue fee and publication fee (if required) of \$1,000.00 has been paid previously on September 13, 2007.

SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Based on Form PTO/SB/64 (10-05) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 11/30/2005

11/06/2007 SLUANG1 00000024 10650152

[Page 1 of 2]

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770.00 0P

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$65 for a small entity or \$130 for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify theft. Personal information such as social security numbers, bank account numbers, or credit card numbers) other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the document before submitted them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Date

Telephone

Number: (310) 207-3800

4/1/07
Signature

Eric S. Hyman, Reg. No. 30,139
Typed or printed name & Registration No.

Blakely, Sokoloff, Taylor & Zafman LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

- Enclosures: ☒ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Other: Replacement Drawing Sheets (Figure 1B (1 page))

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

11-2-07
Date


Signature

Linda Metz
Typed or printed name of person signing certificate

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application No.	10/650,152
Filing Date	August 27, 2003
First Named Inventor	Yong Hoon LEE
Art Unit	2611
Examiner Name	Lugo, David B
Attorney Docket Number	51876P385

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ PTO/SB/08

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Basic Filing Fee

☐ Declaration/POA

☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☒ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert a Provisional Application

☐ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter



☒ Other Enclosure(s)
(please identify below):

return postcard; and
See REMARKS below for
additional enclosures

Remarks


Response To Notice of Abandonment (1 page);
Petition For Revival of An Application (Unintentionally) (2 pp.);
Response To Supplemental Notice of Allowance (1 page);
Figure 1B (one figure/one page)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Eric S. Hyman, Reg. No. 30,139 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	11/1/07 

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name	Linda Metz		
Signature		Date	11-2-07



FEE TRANSMITTAL for FY 2007

Patent fees are subject to annual revision.

Complete if Known

Application Number	10/650,152
Filing Date	August 27, 2003
First Named Inventor	Yong Hoon LEE
Examiner Name	Lugo, David B
Art Unit	2611
Attorney Docket No.	51876P385

☒ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 770.00

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. ☒ Credit any overpayments

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	460	2252	230	Extension for reply within second month	
1253	1,050	2253	525	Extension for reply within third month	
1254	1,640	2254	820	Extension for reply within fourth month	
1255	2,230	2255	1,115	Extension for reply within fifth month	
1401	510	2401	255	Notice of Appeal	
1402	510	2402	255	Filing a brief in support of an appeal	
1403	1,030	2403	515	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	810	1809	405	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) <u>Petition Fee</u>					770.00
SUBTOTAL (2)				(S)	770.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Eric S. Hyman	Registration No. (Attorney/Agent)	30,139	Telephone	(310) 207-3800
Signature		Date	11/1/07		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yong Hoon Lee et al.,

Serial No.: 10/650,152

Filing Date: 08/27/2003

For: **METHOD FOR ADAPTIVELY ALLOCATING
RESOURCES IN COMMUNICATION SYSTEM**

) Examiner: Lugo, David B

) Art Unit: 2611

RESPONSE TO NOTICE OF ABANDONMENT

Mail Stop: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to a Notice of Abandonment mailed October 22, 2007, Applicant submits the following:

Petition For Revival of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b);

Petition Fee in the amount of \$770;

Response To Supplemental Notice of Allowance;

Figure 1B.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated: 11/1/07

Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

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Linda Marie Metz

November 2, 2007

11-2-07



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yong Hoon Lee et al.,

Serial No.: 10/650,152

Filing Date: 08/27/2003

For: **METHOD FOR ADAPTIVELY ALLOCATING
RESOURCES IN COMMUNICATION SYSTEM**

) Examiner: Lugo, David B

) Art Unit: 2611

RESPONSE TO SUPPLEMENTAL NOTICE OF ALLOWABILITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to a Supplemental Notice of Allowability mailed June 18, 2007.

In the Supplemental Notice, it is indicated that "the following changes to the drawings have been approved by the Examiner and agreed upon by Applicant, namely, Figure 1B, reference number "150" should be removed and reference numeral "160" should be reinserted to correspond with the "FFT" unit."

Accordingly, submitted herewith for filing in the above-identified U.S. Patent Application is Figure 1B (one figure, one page), reflecting the change, as discussed above.

If there are any fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. A copy of this sheet is provided for this purpose.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated:

11/1/07

Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class Mail, With Sufficient Postage, In An Envelope Addressed To: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Linda Marie Metz

November 2, 2007